



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING NOTICE:	BOARD OF DENTISTRY & DENTAL HYGIENE
DATE AND TIME:	Thursday, September 9, 2010 at 4:30 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
APPROVED:	November 18, 2010

MEMBERS PRESENT

Neil McAneny, DDS, Professional Member, President
Blair Jones, DMD, Professional Member, Secretary
Thomas Cox, DDS, Professional Member
John Lenz, DDS, Professional Member
Robert Director, DDS, Professional Member
Lauren Coyle, RDH, Professional Member
Debra Bruhl, RDH, Hygiene Advisory Member
Fay S. Rust, RDH, Hygiene Advisory Member (entered meeting at 4:43)
Bonnie Thomas, RDH, Hygiene Advisory Member (entered meeting at 4:41, left at 7:20)

MEMBERS ABSENT

Danna Levy, Public Member (excused absence)
Frances Pruitt, Public Member (new member, has not taken oath yet)
Joan Mills, Public Member (new member, has not taken oath yet)

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Allison Reardon, Deputy Attorney General
James Collins, Director, Division of Professional Regulation
Kay Warren, Deputy Director, Division of Professional Regulation
Michele Urbaniak, Administrative Specialist II

PUBLIC PRESENT

Dr. Charles J. Veith, III
Kathy Clough
Adam Balick
Stacey Stewart

CALL TO ORDER

Dr. McAneny called the meeting to order at 4:35 p.m.

BOARD MEMBER CHANGES

Dr. McAneny reported that Mr. King had resigned his position on the Board. Dr. McAneny also reported that two new members had been appointed, but were not in attendance at this meeting.

REVIEW AND APPROVAL OF MINUTES

June 17, 2010 – Dr. Jones made a motion to approve the minutes as written, seconded by Ms. Coyle. The motion was unanimously approved.

HEARINGS:

Hearing - Amy Cziraky:

Ms. Reardon updated the Board on Ms. Cziraky's request for an additional extension. Under Rule 6.7, Ms. Reardon advised the Board to grant the additional extension due to a death in Ms. Cziraky's family. Dr. Lenz made a motion, seconded by Ms. Coyle, to approve a second extension for Ms. Cziraky through November 18, 2010, at which time another hearing will be scheduled. In the event Ms. Cziraky submits satisfactory proof of CE and CPR before the November 18th deadline, the hearing will be cancelled. The motion passed unanimously.

Hearing - Dr. Charles J. Veith, III:

PRESENT: Dr. Neil McAneny, Dr. Blair Jones, Dr. Thomas Cox, Dr. John Lenz, Dr. Robert Director, Lauren Coyle, Debra Bruhl, Fay S. Rust, Bonnie Thomas

PURPOSE: Proposal to Deny

PRESIDING: Dr. Neil McAneny, President

BOARD STAFF: Michele Urbaniak, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Allison Reardon, Esq.

RESPONDENT: Dr. Charles J. Veith, III

COUNSEL FOR THE RESPONDENT: Adam Balick, Esq.

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: Kathy Clough (Dr. Veith's Office Manager)

COURT REPORTER PRESENT: Kim Hurley, Wilcox and Fetzer

The court reporter took verbatim testimony. The Board introduced themselves. Dr. McAneny introduced the hearing and confirmed that Dr. Veith was present and represented by Adam Balick, Esquire. Ms. Reardon entered a packet of documents containing Dr. Veith's renewal application, continuing education submission and correspondence to and from the Board, including a letter from Mr. Balick as Board's Exhibit 1. The Exhibit was distributed to the Board members, Dr. Veith, his attorney, and the court reporter. Mr. Balick introduced himself and Dr. Veith to the Board. Mr. Balick asked Ms. Reardon to clarify the hearing process, specifically, whether Mr. Balick would be permitted to present Dr. Veith's requests for a waiver and/or for an extension of time to complete the continuing education requirement. Mr. Balick made opening statements and the Board received sworn testimony from Dr. Veith and his office manager Kathy Clough. Ms. Clough testified to her role in submitting Dr. Veith's continuing education and his difficulty participating in online seminars due to his hearing loss. Mr. Balick assisted Dr. Veith with his responses due to Dr. Veith's difficulty hearing. The Board allowed a brief recess at 4:59 p.m. to allow Mr. Balick to confer with his client. (During the recess, the Board moved forward to Item 5.1 on the

agenda.) The hearing reconvened at 5:02 p.m. At the conclusion of the testimony, Board questions and argument, the Board went off the record for deliberations. The Board went back on the record at 5:35 p.m. Dr. McAneny made a motion, seconded by Dr. Director, to deny Dr. Veith's request for a waiver of the remaining 30 CE hours required for his renewal. The motion passed unanimously. Dr. McAneny made a motion, seconded by Ms. Coyle, to grant Dr. Veith an extension to obtain 30 CE hours by October 31, 2010. Any type of CE credit permissible under the law will be accepted. However, any home study submitted for CE credit will be reviewed for approval by Dr. McAneny. Any CE credit obtained during the extension period will be credited towards the 2010 renewal. The motion passed unanimously. Dr. Veith addressed the Board and stated that he did not understand the proceedings because he could not hear what had occurred. Dr. Veith questioned how he could get CE credit for his extensive orthodontic research. Ms. Reardon advised Dr. Veith to consult with Mr. Balick for his legal interpretation of the Board's Rules and Regulations governing continuing education credits. Ms. Reardon expressed concern about Dr. Veith's statement that he did not understand the proceedings. After discussion, Dr. McAneny made a motion, seconded by Ms. Coyle, that if Dr. Veith does not agree with the continuing education extension and conditions imposed by the Board after the proceedings are more fully explained to Dr. Veith by his attorney, Dr. Veith has the right to come back before the Board at their December meeting to present additional information. After discussion, Dr. McAneny withdrew his motion based on the fact that the matter will be brought back to the Board in December anyway if Dr. Veith does not complete the continuing education by October 31st. Mr. Balick questioned what the status of Dr. Veith's license would be through the October 31st deadline. Ms. Reardon advised that she would research the issue and advise the Division as to the appropriate status. The hearing concluded; the time was not recorded.

UNFINISHED BUSINESS

Dr. Khalid Chaudry:

Ms. Reardon circulated a new signature page for the Board Order of Dr. Khalid Chaudry. The Order was circulated and signed by the Board members present at Dr. Chaudry's hearing. Ms. Urbaniak reported that former Board Member Kirby had signed the Order earlier that day. Ms. Urbaniak will distribute copies of the order to Dr. Chaudry and Barbara Gadbois.

Dr. Cynthia Minsk:

Dr. McAneny advised the Board that Dr. Minsk was granted an extension of her CE/CPR requirements due to a medical condition. Dr. Minsk submitted more CE hours than the Board requires. However, all CE credits submitted were home study. Dr. McAneny made a motion, seconded by Ms. Coyle, to grant an exception to Dr. Minsk based on Rule 6.7. The Board will advise Dr. Minsk that she must be in complete compliance with the Board's Rules and Regulations governing CE credit for all future renewals. If Dr. Minsk requests an exception in the future, she will need to submit additional documentation for the Board's consideration, such as clarification from her physician regarding her specific medical condition, and her attestation to whether or not she is practicing dentistry at that time.

Renee Bowen:

Dr. McAneny made a motion, seconded by Dr. Jones, to finally deny licensure for Renee Bowen. The motion passed unanimously.

Dr. Alaa Mohsen:

Dr. McAneny made a motion, seconded by Dr. Director, to propose to deny licensure for Dr. Alaa Mohsen due to her failure to meet the educational requirements. The motion passed unanimously.

Joint Sunset Committee: 2010 Final Report:

Ms. Urbaniak distributed copies of the 2010 Joint Sunset Committee Final Report to the Board. There were no questions or discussion.

Joint Sunset Committee: September Progress Report:

Ms. Warren congratulated the Board on having HB 481 approved. Ms. Warren addressed the Board with the Joint Sunset Committee's request for a progress report, and presented a draft for the Board's review. Ms. Warren read aloud for the Board her proposed answer to each question and asked for changes, if any.

- Items B1 & B2: Ms. Reardon advised the Board that she will draft changes to their Rules and Regulations for their review at the November Board meeting.
- Item B3: Dr. McAneny asked Ms. Warren to differentiate between dental and dental hygiene when referencing exams.
- Item B4: Dr. Director asked Ms. Warren to include the American Association of Dental Boards.
- Item B7: Ms. Rust asked Ms. Warren to change "NERB Exam" to "Regional Exam".

Validation of DOR Exam – Update from Dr. McAneny:

Dr. McAneny reported that he has been in contact with Dr. Sarah Gray of Temple University Kornberg School of Dentistry regarding the DOR revalidation. Dr. McAneny read aloud for the Board an email from Dr. Gray, which included a quote of \$2,000 to revalidate the Board's DOR exam. Ms. Urbaniak will submit a copy of the email/quote to Director Collins for his approval of the expense.

DelTech's Request to Update Equipment List in Exam Candidate's Binders – Update from Fay Rust:

Ms. Rust gave a review of her discussion with DelTech. Ms. Rust made a motion, seconded by Dr. Director, to add the following language to the equipment list in exam candidates' binders: "*Candidates are responsible for providing ALL materials and equipment for patient care. This includes, but is not limited to ultrasonics, hand pieces, instruments, and disposable supplies.*" The motion passed unanimously. Ms. Rust made a motion to remove the word "sharp" from the perio portion of the exam, so that it reads "explorer" instead of "sharp explorer". Dr. Director seconded the motion. The motion failed with four members voting for the motion (Debra Bruhl, Bonnie Thomas, Laureen Coyle and Fay Rust), and five members opposed (Dr. McAneny, Dr. Jones, Dr. Director, Dr. Lenz, and Dr. Cox).

Teeth Whitening Services at Spas and Mall Kiosks – Review Sample Letter:

Tabled until November Board meeting.

Discussion of Pre-Renewal Audit vs. Post-Renewal Audit:

Tabled until November Board meeting.

Review of Forms – New Licensure Applications and Anesthesia Permit Applications:

Ms. Reardon advised the Board to appoint a legislative committee to propose rules and regulations necessary to comply with the new statute. Dr. Jones volunteered to research General Practice Residency rotations required by CODA. Dr. Jones will email his findings to the Board for discussion at the November Board meeting. Ms. Reardon, Mr. Collins, and Ms. Warren discussed language for the Dentist and Dental Resident license applications referencing "specialty rotations". Per Mr. Collins, the Dentist and Dental Resident applications should include a notation advising applicants that the rules and regulations for specialty rotations are currently under development. Once the rules and regulations are finalized, the notation on the Dentist and Dental Resident applications should be replaced with a hyperlink to rules and regulations online. The notation should be placed on the applications, as well as on the website. Dr. Director advised Ms. Urbaniak that "internship" should be replaced with "residency" where applicable. Dr. McAneny made a motion, seconded by Dr. Director, to approve the new applications as amended. The motion passed unanimously.

NEW BUSINESS

Dr. McAneny moved forward on the agenda to Item 6.2.

Request for Extension of CE and CPR – Vicki Korr-Pringle:

Ms. Urbaniak advised that Ms. Korr-Pringle had submitted a timely request back in February 2010 for an extension of her CE and CPR requirements due to a medical condition. Ms. Urbaniak also advised that due to a Division error, Ms. Korr-Pringle's request had not previously been presented to the Board. The Board is requesting documentation from Ms. Korr-Pringle's physician of her specific medical condition. The Board is also requesting clarification from Ms. Korr-Pringle of how many CE hours she has already taken; how many CE hours she is requesting an extension for; and how long of an extension she needs. Ms. Urbaniak will send Ms. Korr-Pringle a letter. The Board will re-review Ms. Korr-Pringle's extension request at its next meeting.

Licenses Issued Since June Board Meeting – Ratify:

Dentist License

Dr. Director made a motion, seconded by Dr. Lenz, to ratify the list of Dentist licenses as presented.

Megan Leigh Cook
Erika Williams
Kristin Marie Tigani
Ronald Baker Rawlins, II
Catherine M. Young
Mary Josephine Massaro
Rinku Parmar
Gloria Wu

The motion passed unanimously.

Dentist Limited License (Resident):

Dr. Director made a motion, seconded by Ms. Coyle, to ratify the list of Resident licenses as presented.

Christina Suarez-Watkins
Austin C. Seward
Aaron Daniel Broderick
Anne Lindsey Rohrer
Inderraj Dhillon

The motion passed unanimously.

Dental Hygienist License

Ms. Rust made a motion, seconded by Ms. Coyle, to ratify the Hygienist licenses as presented.

Ashley C. Paulino
Georgianna D. Mickens
Meagan Lynn Moore
Carla Nicole Rivers
Shauna Lea French
Janelle Elizabeth Sender
Janet L. Simkins
Rachel D. Staz
Katie Frances Albanese
Amy E. Downing
Julie Anne Hensley
Karla L. Seidl
Jessica Marie Wise
Kristin L. Tearl-Sehorn

Gena Lea Potts
Lindsay Danielle Conte
Rachel Nicole Betts
Lenisha Colon
Tiffany Ann Seager
Lauren Michele Murphy
Carol Ann Ciritella

The motion passed unanimously.

Restricted Permit I

Dr. Director made a motion, seconded by Dr. Jones, to ratify the issuance of RPI permits as presented.

Amit P. Patel
Otto F. Tidwell

The motion passed unanimously.

Restricted Permit II

Dr. Director made a motion, seconded by Dr. Lenz, to ratify the issuance of RPII permits as presented.

Erika Williams

The motion passed unanimously.

Unrestricted Permit

None

2011 Board Meeting Schedule:

The Board approved the following meeting schedule for 2011: January 20th, March 24th, May 26th, June 16th, September 15th (Exam Committee Meeting to follow), and December 15th.

Request from Dr. Granite to Amend 24 Del. C. § 1132A:

Dr. McAneny reported that Dr. Granite had withdrawn his request.

Election of Officers:

Dr. Director made a motion, seconded by Dr. Lenz, to nominate the same slate of officers. There being no other nominations, the Board unanimously voted to re-elect Dr. McAneny as Board President and Dr. Jones as Board Secretary.

Complaint Status:

Dr. Lenz reported that he recently contacted Investigative Supervisor, Sam Nickerson, regarding two complaints that he had been assigned to as the Board Contact. Dr. Lenz stated that he was advised that the two complaints he was referencing had not yet been assigned to an Investigator due to a backup in complaints. Dr. McAneny asked Director Collins if complaint assignments could wait to be forwarded to Board Members until the actual investigation begins. Mr. Collins will discuss this issue with Mr. Nickerson. The Board reviewed the list of complaint statuses and made no changes.

Complaint 09-04-08 (Jones)	September Hearing Continued Per State's Request
Complaint 09-02-09 (Coyle)	Dismissed by Attorney General's Office
Complaint 09-08-09 (Coyle)	Dismissed by Attorney General's Office
Complaint 09-13-09 (Jones)	Closed
Complaint 09-12-10	Assigned to Dr. Lenz
Complaint 09-13-10	Assigned to Dr. McAneny
Complaint 09-14-10	Assigned to Dr. Director
Complaint 09-15-10	Assigned to Dr. Lenz
Complaint 09-16-10	Assigned to Dr. Jones
Complaint 09-17-10	Assigned to Dr. Cox

Complaint 09-18-10

Assigned to Dr. Cox

The Board recessed at 7:17 p.m. and reconvened at 7:29 p.m.

After the recess, Dr. McAneny moved back on the agenda to Item 6.1.

Consideration of Request for Emergency Suspension of the License of Dr. Marieve O. Rodriguez:

Dr. McAneny introduced the matter and explained the basis of the motion before the Board for the Board's consideration. The Board reviewed the documents submitted as "Board Exhibit 1" which included the complaint and amended complaint filed by the State and the responses thereto filed by Dr. Rodriguez's counsel. After discussion, Dr. Director made a motion, seconded by Dr. Cox, to approve the temporary suspension of Dr. Rodriguez's dentist license finding that the allegations taken as a whole met the statutory standard for imposing a temporary suspension. The motion failed with three members voting in favor of the motion (Dr. Director, Dr. Cox, and Ms. Coyle), and two members voting to oppose the motion (Dr. McAneny and Dr. Lenz). Per 24 Del. C. § 1103 (c), "No disciplinary action shall be taken without the affirmative vote of 5 members of the Board." Ms. Reardon provided the Board with a draft proposed Board order and asked for any changes. There being no changes, the Order was circulated among the Board Members for signatures. Although the motion for temporary suspension failed due to a lack of required votes the Board unanimously agreed the matter should be promptly scheduled and set a hearing date for Wednesday, October 13, 2010, at 4:00 p.m. in Conference Room B.

CORRESPONDENCE

ADA Memo Regarding the Replacement of NBDE Part I and NBDE Part II with an Integrated Examination
The Board reviewed the ADA memo.

ADEX Letter Regarding ADEX House of Representatives Meeting:

Dr. McAneny summarized the ADEX letter for the Board.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

2011 Examination Dates:

The Board reviewed the 2011 Exam Schedule provided by Ms. Urbaniak. No changes were made.

Schedule Legislative Committee Meeting:

The Legislative Committee will meet immediately following the November Board Meeting and Exam Committee Meeting.

PUBLIC COMMENT

NONE

NEXT MEETING

A hearing for Dr. Marieve O. Rodriguez will be held on Wednesday, October 13, 2010, at 4:00 p.m. in Conference Room B. The next regular Board meeting will be Thursday, November 18, 2010, at 4:30 p.m. in Conference Room B.

ADJOURNMENT

Dr. Jones made a motion, seconded by Dr. Director, to adjourn the meeting at 8:49 p.m. The motion to adjourn passed unanimously. The meeting reconvened at 8:51 p.m. to address the NERB Educators Conference and board member visit to Boston University.

Dr. McAneny reported to Mr. Collins and Ms. Warren that he, Ms. Coyle, Ms. Rust, Ms. Thomas, and Dr. Director had attended the NERB Educators Conference in Washington D.C. Dr. McAneny asked the hygienists to compile a written summary of the trip for the next Board meeting. Dr. McAneny also reported that he, Dr. Director, and Dr. Lenz had visited Boston University August 6th- 8th to observe

calibration exercises, the dental clinical operative exam, the crown and bridge exam, and the periodontal exam for dentists and hygienists. Drs. McAneny, Director, and Lenz will write a comprehensive report for the Joint Sunset Committee and will present it for the Board's review at their November meeting. In short, it was the conclusion of all three dentists that the NERB exam is very well organized and has many good points. However, they found deficiencies in the crown and bridge examination. They also noted that the dental hygiene exam is not as comprehensive as Delaware's hygiene exam. Specifically, the NERB exam includes 12 surfaces selected by candidates on 6-8 teeth whereas most dental hygienist candidates are required to do a full mouth or half mouth. The dentists believe that Delaware's requirement is higher. Mr. Collins noted there is a significant discrepancy in grading the exams, specifically on the dental hygienists. Dr. McAneny reported that NERB uses computerized calibration exercises to test that examiners are all grading the exam the same way. All 3 dentists observed a discrepancy in the clinical efficiency of all examiners. Dr. McAneny also noted that Dr. Cox was appointed to the Board right before an exam and there was no time to train him on scoring the exam. Dr. McAneny would like to correspond with the Governor's office regarding new member appointments, and ask for consideration for training new members on the exam well before scheduled exam dates. Director Collins thanked Dr. McAneny for the report and offered reimbursement to those who traveled to Boston University on behalf of the Board.

Dr. McAneny made a motion, seconded by Ms. Coyle, to re-adjourn at 9:07 p.m. The motion passed unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Murbaniak", written in a cursive style.

Michele Urbaniak
Administrative Specialist II